

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Meadwestvaco Corporation,

Plaintiff,

v.

**Case No. 3:05-cv-106
Judge Thomas M. Rose**

Beaux Merzon Inc.,

Defendant.

**ENTRY AND ORDER WITHDRAWING MOTION TO
BIFURCATE, DOC. 18, WITHDRAWING MOTION TO
MODIFY THE EXISTING PROTECTIVE ORDER, DOC. 17,
MODIFYING THE PROTECTIVE ORDER, GRANTING
MOTION TO COMPEL , DOC. 15, DENYING MOTION FOR
SANCTIONS, DOC. 19, EXPANDING DISCOVERY, AND
REESTABLISHING DATES.**

On July 6, 2006, the Court held a telephone status conference with respect to a pretrial conference order. During that Conference:

1. Defendant Beaux Merzon, Inc. withdrew its ("BMI") Motion to Bifurcate, Doc. 18.
2. BMI withdrew its Motion to Modify the Existing Protective Order, Doc. 17.

The parties stated that they would prepare an agreed order, resolving all other outstanding discovery issues, but failed to do so, submitting instead competing versions of proposed orders to which the other party had objections. At a follow-up conference July 12 the parties again informed the Court that they would jointly submit a proposed order resolving their outstanding discovery issues, but have again failed to do so.

IT IS HEREBY ORDERED:

1. The “restricted” category of documents in the Protective Order dated December 14, 2005 shall be for outside counsels’ and outside experts’ eyes only unless otherwise ordered by the Court.
2. Because the entry of a Protective Order remedies the concerns expressed in BMI’s response, Plaintiff MeadWestvaco Corporation’s (“Mead”) Motion to Compel filed January 3, 2006 is granted. BMI has 30 days to produce the materials.
3. Mead’s Motion for Sanctions is denied as to BMI’s responses to Mead’s First Set of Requests for Admission and Mead’s First Set of Interrogatories.
4. The following dates set forth in the Court’s Preliminary Pretrial Conference Order of October 20, 2005 are hereby VACATED: (1) the cut-off of May 30, 2006 Deadline for discovery; (2) the Status conference of June 6, 2006 following Discovery, (3) the June 30, 2006 Cut-off date for filing of motions not directed to pleadings, including motions for summary judgment, and (4) the deadlines for identifying Experts of March 15, 2006 and April 30, 2006.
5. Each party shall be granted a total of 15 depositions.
6. Each party shall be granted 15 additional interrogatories.
7. Each party shall be granted 20 additional requests for admission.
8. A party objecting to and therefore intending to withhold discovery served by facsimile shall serve objections by facsimile within 10 days of such service.
9. The cutoff date for filing motions to amend the pleadings:.....August 15, 2006.
10. The parties shall identify all testifying experts not later than August 31, 2006.

11. The parties shall exchange opening memoranda regarding claim construction issues:
August 25, 2006
12. The parties shall exchange reply memoranda regarding claim construction issues:
September 8, 2006
13. The parties shall exchange opening expert reports regarding claims or defenses for
which each party bears the burden of proof:.....September 28, 2006.
14. Rebuttal expert reports due:.....October 5, 2006.
15. Discovery cutoff:..... October 31, 2006.
16. Cutoff for dispositive motions:.....November 8, 2006.
17. Joint final pretrial order to be filed:.....January 15, 2007.
18. Trial exhibits to be exchanged:.....January 23, 2007.
19. Final Pretrial Conference to be held in Chambers:January 26, 2007.
20. Deadline for submitting proposed jury instructions: At least 10 days Prior to Trial
21. Trial on the merits:.....February 26, 2007.

DONE and **ORDERED** in Dayton, Ohio, this Thursday, July 20, 2006.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE